

Guidelines for narrative supporting Unreasonable Hardship Request (UHR), Technical Infeasibility (TI), or Structural Impracticability.

Introduction

The Mayor's Office on Disability (MOD) is the City's overall ADA Coordinator, tasked with ensuring that all City programs, services, and facilities are accessible as required under the Americans with Disabilities Act (ADA). MOD has an architectural access program for quality assurance and quality control (QAQC) and performs plan check and field inspection services on publicly funded construction projects. As part of MOD's project review, sometimes it is necessary to make a preliminary determination on whether or not the project qualifies for an Unreasonable Hardship Request (UHR), Technical Infeasibility (TI), or Structural Impracticability. Under most circumstances, this determination would need to be accompanied by a description of Equivalent Facilitation. Please note that MOD will make a recommendation to the Department of Building Inspection (DBI) that DBI either approve or disapprove of the request. The final determination however will still rest with the DBI.

California Building Code (CBC) Section 11B-202.3 *Existing Buildings and Facilities: Alterations, and CBC Section 11B-202.4 Path of travel requirements in alterations, additions, and structural repairs*, set forth the minimum standards for accessible features required in an existing building to serve an area of alteration, addition, or structural repairs. These include access within the area of remodel, plus an entrance, path of travel, restrooms, drinking fountains, signs and parking etc. to serve the area of remodel.

The 2010 Americans with Disabilities Act Standards (2010 ADAS) has similar scoping language under 2010 ADAS Section 202 Existing Buildings and Facilities, and 2010 Section 202.3 Alterations, and 202.4 Alterations Affecting Primary Function Areas. Both the CBC and the 2010 ADAS require as a general rule compliance with the prevailing code to the maximum extent, unless compliance would be technically infeasible.

Definitions

CBC Chapter 2 Section 202 has the following definitions:

Technically Infeasible. *An alteration of a building or a facility, that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing*

physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

Unreasonable Hardship. *When the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:*

1. *The cost of providing access.*
2. *The cost of all construction contemplated.*
3. *The impact of proposed improvements on financial feasibility of the project.*
4. *The nature of the accessibility which would be gained or lost.*
5. *The nature of the use of the facility under construction and its availability to persons with disabilities*

Per CBC Section 202, the details of any Technical Infeasibility or Unreasonable Hardship determination shall be recorded and entered into the files of the Department (DBI). MOD enforces this by requiring that the documentation (forms plus narrative) be scanned onto the permit drawings.

Access appeals ratification for UHR

If documenting an Unreasonable Hardship, please note that all Unreasonable Hardships shall be ratified by the Access Appeals Commission per CBC Section 1.9.1.5 Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.

Sample narrative

1. **Describe the building or site.**
Example: 1155 Market Street is an existing nine story building, originally constructed in 1979
2. **Describe the use and occupancy.**
Example: It is classified as a B occupancy under the building code. Current and proposed use include offices serving multiple City and County of San Francisco Departments that are open to members of the public
3. **Describe the current scope of work.**
Example: The current scope of work is an office tenant improvement on floors, three, four, and five to serve the Department of Public Works, Bureau of Street Use and Mapping. Work will consist of new partitions, modular work stations, and reception area, electrical, plumbing and mechanical, and necessary accessibility improvements to the base building entry, elevators, and restrooms. This work is valued at \$3.5 million dollars

4. **List the specific code section** requiring the accessibility feature that is the subject of the hardship or technical infeasibility and then **describe what the section means in plain English.**

Example: Section 11B 502.5 of the 2013 California Building Code requires a 98" vertical clearance at parking spaces, access aisles, and the vehicular routes serving them. This clearance is to accommodate a high top van

5. **Describe the actual conditions** and the nature of the accessibility that will be gained or lost.

Example: Parking at this building is located in the basement. The vehicle ramp that leads to the basement has a vertical clearance that provides only 90" due to a structural beam. This is not high enough to accommodate a high top van. Within the garage are six spaces, one of which has been configured to meet all other accessibility standards except for the headroom clearance. These spaces are assigned for employee use. No parking is available for members of the public.

6. **Describe the hardship, technical infeasibility, or structural impracticability** associated with correcting this feature. **Attach credible construction estimate.**

Example: The structural beam is part of the original building construction. Modifications to this beam are technically infeasible without reconstructing the first floor at the building rear. Our structural engineer has provided us with an estimate (attached) that shows modifying the beam to increase the headroom would cost \$6 million dollars and result in the loss of 1000 square feet of usable floor space. Note: the construction estimate should provide sufficient detail to describe the necessary modifications and include a cost break down.

7. **Describe the proposal for equivalent facilitation.**

Example: The accessible parking space in the garage is an otherwise fully compliant van accessible stall and is usable by all passenger vehicles except for high top vans. In order to provide equivalent facilitation for the necessary headroom however, the building management has entered into a contract with the adjacent building owner and has the right to park in their fully accessible garage. A copy of that contract is attached.

Directional signage describing the location for the accessible garage will be installed at the 1155 Market Street garage entry.

MOD Processing of the Unreasonable Hardship, Technical Infeasibility, or Structural Impracticability

- The permit applicant shall complete the appropriate form from DBI (UHR or TI) and scan the document onto the plans. [See DBI Disabled Access Checklist.](#)
- The permit applicant shall also scan the supporting narrative onto the plans.

- MOD will prepare a referral document with a recommendation that DBI either approve or disapprove the UHR or TI.
- Please note that if the documentation is for an Unreasonable Hardship Request, then the applicant will also need to file an Appeal with the DBI Access Appeals Commission.